

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**TEXAS ADVANCED
OPTOELECTRONIC
SOLUTIONS, INC.,**

Plaintiff,

v.

**INTERSIL
CORPORATION.**

Defendant.

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**C.A. No. 4:08-cv-451**

## JURY TRIAL DEMANDED

**INTERSIL CORPORATION'S REPLY IN SUPPORT OF ITS  
MOTION TO EXPEDITE BRIEFING ON ITS SECOND MOTION TO COMPEL  
DISCOVERY RELATED TO AUSTRIAMICROSYSTEMS'S ACQUISITION OF TEXAS  
ADVANCED OPTOELECTRONIC SOULTIONS, INC.**

Intersil has requested expedited briefing on its Second Motion to Compel because Intersil needs the valuation documents for the Court-ordered deposition of Michael Wachsler-Markowitsch on May 27, 2014, just seven days from now. TAOS chose to present Mr. Wachsler-Markowitsch for deposition in Austria, and nonrefundable arrangements have been made for the court reporter, videographer, and interpreter, at great expense to Intersil. Thus, the deposition cannot be rescheduled and Intersil should be able to question the witness about the valuation documents. In its Response to the Motion to Expedite Briefing (Dkt. 272), TAOS does not address this at all.

Instead, TAOS suggests that Intersil seeks “potentially privileged documents.” (Dkt. 272 at 1). This is incorrect. Intersil seeks enforcement of the Order Granting in Part Intersil’s Motion to Compel, which ordered TAOS “to produce any valuation of assets that relate in whole or in part

to damage sought in the underlying suit.” (Dkt. 253 at 2). These valuations are not privileged, and TAOS has never provided any basis to suggest otherwise.

TAOS also suggests that expedited relief on Intersil’s Second Motion to Compel would somehow “violate due process.” (Dkt. 272 at 1). But TAOS completely ignores that the very same issues have been briefed once before (*see generally* Dkts. 247 and 251) and argued to the Court during the April 24, 2014 Telephonic Conference. Further, TAOS does not inform the Court that Intersil provided TAOS with a copy of the Second Motion to Compel on Saturday morning, May 17, 2014, so TAOS had possession of the motion for over two days before Intersil filed it. Thus, TAOS’s alleged concerns about due process are grossly overstated.

Intersil simply asks the Court to enforce the April 2, 2014 Order before Intersil travels to Austria to depose Michael Wachsler-Markowitsch on May 27, 2014, so that the expense of that trip is not wasted. Therefore, Intersil respectfully submits that both its Motion to Expedite Briefing (Dkt. 271) and its Second Motion to Compel (Dkt. 270) should be granted.

Dated: May 20, 2014

Respectfully submitted,

/s/ Justin B. Kimble

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**ATTORNEYS FOR DEFENDANT  
INTERSIL CORPORATION**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 20<sup>th</sup> day of May, 2014, with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3).

/s/ Justin B. Kimble